

## Title 6 HEALTH AND SANITATION

### Chapter 6.67 STORM DRAINS

#### **6.67.010 General provisions.**

##### A. Purpose and Intent.

The purpose of this chapter is to protect the public health, welfare and safety and to reduce the quantity of pollutants being discharged to the waters of the United States. This chapter has the following objectives:

1. The elimination of non-stormwater discharges to the municipal separate storm sewer system;
2. The elimination of spillage, dumping and disposal of pollutants into the municipal separate storm sewer system;
3. The reduction of pollutants in stormwater discharges to the maximum extent practicable;
4. The protection and enhancement of the quality of the waters of the United States in a manner consistent with the provisions of the Clean Water Act.

##### B. Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

1. "Best management practices" are activities, practices, facilities and procedures that when implemented prevent or reduce the pollution of waters of the state.
2. "Building official" shall be the current building official of the city or his/her authorized deputy, agent, representative or inspector.
3. "City" means the city of South Gate.
4. "CFR" means the current issue of the Code of Federal Regulations.
5. "Director of public works" means the current director of the department of public works of the city or his or her duly authorized deputy, agent, designee, representative or inspector.
6. "Exempted discharge" means any discharge to the municipal separate storm sewer system that is not subject to the provisions of this chapter. Exempted discharges are listed in Section 6.67.020(B)(2).
7. "Good housekeeping" means any practice for the storage, use, handling or cleanup of materials in a manner that minimizes the discharge of pollutants in stormwater runoff.
8. "Illicit connection" means any manmade conveyance that is connected to the municipal separate storm sewer system without a permit.
9. "Illicit discharge" means any non-stormwater discharge that is neither permitted by a valid NPDES permit nor considered an exempted discharge under Section 6.67.020(B).
10. "Municipal separate storm sewer system" means any facility within the city by which stormwater runoff is conveyed to the waters of the United States. This system includes, but is not limited to flood control channels, roads with drainage systems, streets, catch basins, inlets, curbs, ditches, gutters, storm drains, canals, pipes, and fabricated and natural channels.
11. "New development project" shall include, but not be limited to:
  - a. Development of a residential subdivision consisting of ten or more individual homes;
  - b. Development of an industrial or commercial building or property of one hundred thousand square feet or greater;
  - c. A restaurant or other food service establishment;
  - d. A gasoline station or other similar establishment providing automotive or truck maintenance and repair services;
  - e. Any development in hillside areas.Any development required by the director of public works to submit an urban runoff mitigation plan to accomplish, and be consistent with, the goals of this chapter.
12. "Non-stormwater discharge" means any discharge to a municipal separate storm sewer system that is not directly generated by and composed primarily of rainfall.
13. "NPDES" means a National Pollutant Discharge Elimination System.

14. "Owner" when applied to a building or land, means any part owners, joint owner, community property owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

15. "Person" means any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

16. "Pollutant" means any substance introduced into the environment that may directly or indirectly result in adverse effects on the beneficial uses of a resource. Pollutants may include, but are not limited to:

- a. Artificial materials, chips or pieces of natural or manmade materials;
- b. Household waste;
- c. Commercial and industrial waste;
- d. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium and nonmetals such as phosphorus and arsenic;
- e. Petroleum hydrocarbons;
- f. Excessive eroded soils, sediment and particulate materials;
- g. Animal wastes;
- h. Substances having characteristics such as pH less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus or enterococcus;
- i. Waste materials and wastewater generated by construction activities;
- j. Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon;
- k. Materials which contain base/neutral or acid extractable organic compounds;
- l. Those pollutants defined in Section 1362(6) of the Clean Water Act;
- m. Any other constituent or material that may interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the state.

17. "Premises" means any building, lot, parcel of land, land or portion of land whether improved or unimproved.

18. "Significant material" includes, but is not limited to:

- a. Raw materials;
- b. Fuels;
- c. Materials such as solvents, detergents and plastic pellets;
- d. Finished materials such as metallic products;
- e. Raw materials used in food processing or production;
- f. Hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
- g. Any chemical a facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA);
- h. Fertilizers;
- i. Pesticides; and
- j. Waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

19. "Stormwater treatment system" means any physical system designed and/or used to reduce the concentrations of pollutants in stormwater runoff.

20. "Stormwater runoff" refers to a part of precipitation which travels via flow across a surface to the municipal separate storm sewer system or receiving waters.

C. Responsibility for Administration. Responsibility for the administration and implementation of this chapter is delegated to the director of public works.

1. Delegation of Powers. Whenever a power is granted to or a duty is imposed upon the director of public works by this chapter, that power may be exercised or the duty may be performed by a duly authorized deputy, agent, designee, representative or inspector of the director, unless this chapter expressly provides otherwise.

D. Regulatory Consistency. The provisions of this chapter shall take precedence over any inconsistent or conflicting provisions of this code.

E. Time Limits. Any time limit provided for in the provisions of this chapter may be extended in a manner consistent with federal and state regulations, by mutual written consent of the director of

public works and the permittee, applicant, or other affected person, consistent with the NPDES permit.

F. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is held invalid, or unconstitutional, such decision shall not affect the validity of the chapter as a whole or the remaining section or portions of this chapter or part thereof, other than the section or portion so declared to be unconstitutional or invalid. The city council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

G. Fees. Fees to be charged for plan checking, inspection, enforcement and any other activities carried out by the city under this chapter shall be specified by ordinance or resolution of the city council.

(Ord. 2017 § 1 (part), 1996)

## **6.67.020 Illicit connections and illicit discharges.**

### **A. Illicit Connections.**

1. **Prohibition of Illicit Connections.** No illicit connection to the municipal separate storm sewer system may be established or maintained and any illicit connection is in violation of this chapter. This prohibition is expressly retroactive and applies to connections made in the past, even if the connection was permitted under the law or practices applicable to prevailing at the time of the connection.

2. **Removal of Existing Illicit Connections.** All illicit connection must be removed or otherwise sealed in a manner approved by the director of public works.

### **B. Illicit Discharges.**

#### **1. Illicit Discharges Prohibited.**

It is a violation of this chapter for a person to cause any illicit discharge to enter the municipal separate storm sewer system unless that discharge is:

a. A non-stormwater discharge authorized by and consistent with the provisions of a valid NPDES permit, provided that the discharge is in full compliance with all requirements of the permit and other applicable laws and regulations;

b. An exempted discharge; or

c. Is deemed by the director of public works or authorized representative to be necessary to the public health, safety or welfare.

2. **Exempted Discharges.** Non-stormwater discharges from the following activities when properly managed as determined by the director of public works are exempted from the provisions of this chapter:

a. Flows from riparian habitats or wetlands;

b. Diverted stream flows;

c. Springs;

d. Rising groundwaters;

e. Uncontaminated groundwater infiltration;

f. Discharges or flows from emergency fire fighting activities;

g. Landscape irrigation;

h. Water line flushing;

i. Potable water sources provided the discharges are managed in accordance with approved Industry-Wide Standard Pollution Prevention Practices developed by the American Water Works Association, California-Nevada Section, or equivalent document; and in compliance with any requirements established by the city;

j. Foundation drains;

k. Footing drains;

l. Air conditioning condensate;

m. Irrigation water;

n. Lawn watering;

o. Water from crawl space pumps;

p. Dechlorinated swimming pool discharges;

q. Individual residential car washing;

r. Street washing (including sidewalk washing).

Specific non-stormwater discharges may be added to the list of exempted discharges when, in the opinion of the director of public works, such discharges would not pose an actual or potential threat to water quality.

3. **Cleanup of Illicit Discharges Required.** If a person responsible for an illicit discharge is identified, it is the responsibility of that person to clean up the illicit discharge to the satisfaction of the director of public works in a timely manner.

### **C. Accidental Discharges.**

1. **Immediate Notification Required.** In the event of an uncontrolled discharge of a pollutant or pollutants or a mixture containing a pollutant or pollutants, the discharger shall immediately notify the city of the incident by telephone. The notification shall include the location of the discharge, the type, concentration and volume of material being discharged, and any corrective actions taken.

2. Written Notification Required. Within ten days after the uncontrolled discharge, the discharger shall submit to the city a detailed written report describing the cause of the discharge, corrective action taken and measures to be taken to prevent future occurrences. Such notification shall not relieve the discharger of liability or fines incurred as a result of the uncontrolled discharge.

D. Littering. It is a violation of this chapter for any person to throw, deposit, discard, place, leave, maintain, keep or permit to be thrown, deposited, discarded, placed, left, maintained or kept any refuse, rubbish, garbage, trash or other waste material in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, drainage structure, business place, or upon any public or private plot of land in the city, except in containers, recycling bags, or other lawfully established waste disposal facilities.

E. Use of Discontinued or Banned Chemicals. It is a violation of this chapter for any person to discharge to the municipal separate storm sewer system any pesticide, herbicide or fungicide banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation.

(Ord. 2017 § 1 (part), 1996)

## **6.67.030 Pollutant source reduction.**

### **A. General Provisions.**

1. **Leaking Machinery.** No industrial machinery, equipment or device shall be allowed to leak, spill or discharge in any manner oil, grease or other pollutant onto any street, alley, road, parking lot or surface in the city whereon such pollutants can or may be conveyed to the municipal separate storm sewer system by storm water or non-stormwater runoff.
2. **Equipment Repair.** The repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids or antifreeze in areas exposed to stormwater runoff is prohibited.
3. **Storage.** Objects such as motor vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to stormwater runoff.
4. **Potentially Harmful Materials.** Fuel and chemical residue and wastes, animal waste, garbage, batteries or other types of materials that are located in areas susceptible to or exposed to stormwater, and which in the opinion of the director of public works could have potential adverse impacts on water quality shall be managed by appropriate and effective best management practices or shall be removed immediately and disposed of properly.
5. **Hazardous Materials.** Household hazardous waste may not be disposed of in trash containers. Other hazardous materials shall be disposed of at a licensed hazardous waste facility and not in municipal trash receptacles.
6. **Landscape Debris.** No person shall intentionally dispose of leaves, dirt or other landscape debris into the municipal separate storm sewer system or other appurtenance, including streets or tributaries.

### **B. Industrial and Commercial Sources.**

1. **Regulatory Compliance.** No person shall conduct any industrial activity in the city without first obtaining all permits required by state or federal law, including an NPDES general industrial activity stormwater permit when required.
2. **Discharge of Wash Water.** The discharge of untreated wash waters to the municipal separate storm sewer system from the cleaning of any business.
3. **Discharge from Mobile Operations.** The discharge of untreated wastewater from mobile automobile washing, steam cleaning, mobile carpet cleaning and other such mobile commercial and industrial operations to the municipal separate storm sewer system is prohibited.
4. **Parking Lot Sweeping.** All commercial and industrial parking lots containing over twenty-five parking spaces shall be required to be regularly swept or cleaned by other equally effective methods, such as vacuum sweeping, to remove debris, and no water or debris from cleaning such parking lots may be discharged to the municipal separate storm sewer system.
5. **Storage Area Runoff.** The discharge of untreated runoff to the municipal separate storm sewer system from areas which store materials containing grease, oil or other hazardous substances, and uncovered receptacles containing hazardous materials is prohibited.
6. **Commercial/Municipal Swimming Pools.** The discharge of filter backwash from commercial and municipal swimming pools is prohibited.
7. **Toxic Materials.** The discharge of untreated runoff from the washing of pollutants from paved or unpaved storage or equipment areas to the municipal separate storm sewer system is prohibited.
8. **Impervious Surfaces.** The discharge from washing of impervious surfaces in industrial and commercial areas into the municipal separate storm sewer system, unless specifically required by state or local health and safety codes, is prohibited.
9. **Concrete Trucks.** Discharge to the municipal separate storm sewer system from the washing out of concrete trucks is prohibited.
10. **Equipment Repair and Maintenance.** All equipment and machinery is to be repaired or maintained such that leaks, spills and other maintenance-related pollutants are not discharged to the municipal separate storm sewer system.
11. **Treatment Systems.** Stormwater clarifiers, separators, sediment ponds and other stormwater treatment systems shall be kept in proper operating condition at all times. All facilities shall be constructed and installed to permit easy and safe access for maintenance and inspection at all times.

Treatment systems shall be approved by the director of public works prior to installation and operation. The director shall require plans and supporting information as necessary for the evaluation of the treatment systems.

C. New Development and Construction.

1. Regulatory Compliance. All persons engaged in construction activity within the city shall operate in compliance with all state and federal laws regulating or pertaining to stormwater management and runoff. Proof of compliance may be required by the director of public works or building official prior to the issuance of any grading, building or occupancy permit or any other type of permit or license issued by the city.

2. Copies of Documents. All persons engaged in construction activity within the city requiring a State Construction Activity Stormwater Permit shall have at the construction site available for review:

- a. A copy of the notice of intent for the State Construction Activities Stormwater Permit;
- b. The waste discharge identification number issued by the State Water Resources Control Board; and
- c. Copies of the stormwater pollution prevention plan and Stormwater Monitoring Plan as required by the permit.

3. Urban Runoff Mitigation Plan. Upon approval of a planning checklist and recommended planning best management practices by the California Regional Water Quality Control Board, Los Angeles Region or as directed by the building official, an applicant shall submit an urban runoff mitigation plan to the department of building and safety prior to the submittal of an application for the first planning or building approval for a new development project.

The urban runoff mitigation plan shall be designed to reduce projected runoff for a project through incorporation of design elements or principles which address each of the goals set forth below.

The urban runoff mitigation plan shall address the following goals in connection with both construction and long term operation of the proposed project:

- a. Implement, to the maximum extent practicable, requirements established by appropriate governmental agencies under California Environmental Quality Act, Public Resources Codes Sections 21000 et seq., Section 404 of the Clean Water Act, local ordinances and other legal authorities intended to minimize impacts on the biological integrity of natural drainage systems and water bodies from stormwater runoff;
- b. Maximize, to the extent practicable, the percentage of permeable surfaces in order to allow more percolation of runoff into the ground;
- c. Minimize, to the extent practicable, the amount of runoff directed to impermeable areas and to the municipal separate storm sewer system;
- d. Minimize, to the extent practicable, parking lot pollution through the use of appropriate best management practices, such as retention, infiltration and good housekeeping;
- e. Establish reasonable limits on the clearing of vegetation from the project site including, but not limited to, regulation of the length of time during which bare soil may be exposed;
- f. To the maximum extent practicable, provide for appropriate permanent controls to reduce storm water pollutant load produced at the development site during development.

4. City Review and Requirements. Prior to the issuance of a building permit for a new development project, the city shall evaluate the proposed project using the guidelines and best management practice list approved by the California Regional Water Quality Control Board, Los Angeles Region and erosion and grading requirements of the city building official or director of public works to determine:

- a. Its potential to generate the flow of pollutants into the municipal separate storm sewer system both during and after construction; and
- b. How well the urban runoff mitigation plan for the proposed project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

Based upon the review, the city may impose conditions upon the issuance of the building permit, in addition to any required by the State Construction Activities Stormwater Permit for the project, in order to minimize the flow of pollutants into the municipal separate storm sewer system.

No grading permit for developments with a disturbed area of five acres or greater shall be issued unless the applicant can show that a notice of intent to comply with the State Construction

Activities Stormwater Permit has been filed and that a stormwater pollution prevention plan has been prepared for the project.

5. Plan Approval. The building official shall approve or disapprove of the urban runoff mitigation plan within thirty (30) calendar days of submittal. If the plan is disapproved, the reasons for disapproval shall be given in writing to the developer. Any plan disapproved by the building official may be revised by the developer and resubmitted for approval. A resubmitted plan will be approved or disapproved within thirty (30) calendar days of submittal. No building permit shall be issued until an urban runoff mitigation plan has been approved by the building official.

6. Expiration of Urban Runoff Mitigation Plan. If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty days of approval of an urban runoff mitigation plan, the urban runoff mitigation plan for that project shall expire. The building official may extend the time for action by the applicant for a period not to exceed one hundred eighty days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from beginning. In order to renew the urban runoff mitigation plan, the applicant shall resubmit all necessary forms and supporting data and pay a new plan review fee.

7. Standard Best Management Practices. Stormwater runoff containing sediment, construction waste or other pollutants from the construction site and parking areas shall be reduced to the maximum extent practicable. The following best management practices shall apply to all construction projects within the city, and shall be required from the time of demolition of existing structure or commencement of construction where no demolition is necessary, until receipt of a certificate of occupancy.

a. Sediment, construction waste and other pollutants from construction activities shall be retained on the construction site to the maximum extent practicable.

b. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes and filter berms shall be utilized to the maximum extent practicable in order to minimize the escape from the site of sediment and other pollutants.

c. All excavated soil shall be located on the site in a manner that minimizes the amount of sediments running onto the street, drainage facilities or adjacent properties. Between October 1st and April 30th, such excavated soil shall be covered with waterproof material until the soil is either used or removed from the site.

d. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicles or other vehicles on the construction site is permitted to run off the construction site and enter the municipal separate storm sewer system.

8. Vegetation Clearing Limits. As a condition of granting a construction permit, the city may set reasonable limits on the clearing of natural vegetation from construction sites, in order to reduce the potential for soil erosion. These limits may include, but not be limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

9. Additional Plans. The building official may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control, stormwater pollution prevention or other plans consistent with the county-wide development construction guidance document and the goals of this chapter.

10. Taking. The provisions of this chapter shall not operate to deprive any landowner of substantially all of the market value of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of this chapter to a specific project would create a taking, then pursuant to this chapter, the city council may allow additional land uses, but only to the extent necessary, to avoid a taking. Such uses shall be consistent with and carry out the purposes of this chapter. (Ord. 2017 § 1 (part), 1996)



## **6.67.040 Inspection and enforcement.**

A. Authority. The director of public works, and duly authorized representatives thereof, are authorized and directed to enforce all provisions of this chapter.

B. Right of Entry. Whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provision of this chapter, the officer may enter such building or premises at any reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter, provided that:

1. If such building or premises be occupied, he or she shall first present proper credentials and request entry;
2. If such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or occupant of the building or premises and request entry. In the event that a request for entry is refused, the officer is empowered to seek assistance from any court of competent jurisdiction to obtain such entry.

C. Enforcement.

1. Notice to Correct Violations. The director of public works or duly authorized representatives may serve notice of violation upon a person owning or occupying a premises, describing the violations and requiring prompt correction thereof, when:

a. Pollutants or potential pollutants are being maintained, discharged or deposited in such a manner as to create, or if allowed to continue will create, any one or more of the following conditions:

- i. A public nuisance,
- ii. A menace to the public safety,
- iii. Pollution of underground or surface waters, or
- iv. Damage to any public sewer, municipal separate storm sewer system, or public or private property,
- v. A violation of any provision of this chapter;

b. The person has failed to respond or comply with a previous notice of violation within the time period specified in the notice. Failure to comply with a duly served notice of violation shall constitute a willful violation of this chapter.

2. Cease and Desist Order. The director of public works may serve a cease and desist order upon a person owning or occupying a premises, requiring the person to:

- a. Immediately discontinue any process water, waste water or pollutant discharge to the municipal separate storm sewer system;
- b. Immediately block or divert any flow of water from the property, where the flow is occurring in violation of any provision of this chapter; and
- c. Immediately discontinue any other violation of this chapter.

The cease and desist order may contain terms and conditions or other provisions to ensure compliance with this chapter.

3. Violation a Public Nuisance. A violation of any provision of this chapter is declared to be a public nuisance. The city may abate such violations by means of a civil action with all costs for such abatement and restoration to be borne by the party responsible for the nuisance.

4. Criminal Penalties. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable by fine and/or penalty as set forth in Chapter 1.56 (Penalty Provisions) of this code.

5. Continued Violations. Each day during which any violation described in this chapter as willful continues shall constitute a separate offense punishable as provided by this division.

6. Other Penalties. Any person who violates any of the provisions of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition or effluent limitation, also may be in violation of the Clean Water Act, 33 U.S.C.A. Section 1251 et seq., and/or Porter-Cologne Act, Cal. Water Code Section 13260 et seq., and may be subject to the sanctions of those Acts including civil and criminal penalties.

7. Cumulative Penalty. The penalties and remedies established by this chapter shall be cumulative.

8. Reimbursement. Any penalty collected hereunder shall be used to reimburse the department of public works for costs and expenses resulting from the administration, inspection and enforcement of this chapter.

9. Emergency Remedial Measures. The city shall have full power and authority to take any necessary precautions including, but not limited to, decontamination, storm drain closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent an imminent hazard to the public's health, safety or welfare.

(Ord. 2017 § 1 (part), 1996)